

Paul J. & Deborah L. Fisch  
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DATE: January 14, 2012

TO: The Chambers of the Honorable Burton R. Lifland

FROM: Paul J. and Deborah L. Fisch

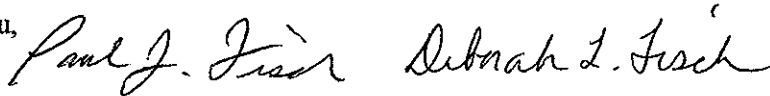
RE: Paul J. & Deborah L. Fisch/ (SIPC v BLMIS) Case #: 08-01789 Docket #: 4521 Type: Motion

Honorable Burton R. Lifland:

Please accept this letter as our brief opposing the Trustee's Motion For An Order To Affirm Trustee's Determination Denying Claims Of ERISA Claimants Without Accounts In Their Names. We oppose the motion because we believe that we should be considered a customer of BLMIS in that we invested and lost significant 401k assets (\$178,000) with BLMIS. The 401k funds were in Deborah's name and were from a qualified retirement plan from her former employer, Agway Inc. Although we did not have an account in our names directly with BLMIS, the retirement assets that we lost were part of a qualified 401k retirement plan and essentially were held in an account within the plan in Deborah's name. We believe we should be able to submit a claim directly for her 401k losses, rather than having to rely on the retirement plan to submit a claim on her behalf.

In filing this opposition, I would like to adopt the legal arguments presented by other objectors and request that we be permitted to recover the losses we suffered in Deborah's 401k plan as a result of the fraud at BLMIS.

Thank you,



Paul J. & Deborah L. Fisch

The Chambers of the Honorable Burton R. Lifland  
United States Bankruptcy Court  
One Bowling Green  
New York, NY 10004

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